

29. Mar. 2005 23:13

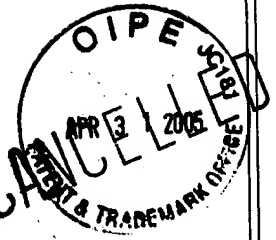
S. YAMAMOTO OSAKA

NO. 1701 P. 3/5

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PATENT
Attorney Docket No.: 085761-000510US
Client Reference No.:
F5-99984277/AR009US

On March 30, 2005
TOWNSEND and TOWNSEND and CREW LLP
By: Patricia Andrus



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Kazutoshi Okuno, et al.

Application No.: 09/560,780

Filed: April 28, 2000

For: METHOD FOR IDENTIFYING
FIELD RESISTANCE OF RICE TO
RICE BLAST

Customer No.: 20350

Confirmation No.

Examiner: A. Kubelik

Technology Center/Art Unit: 1638

**DECLARATION OF SHUICHI
FUKUOKA UNDER 37 C.F.R. §1.132**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, SHUICHI FUKUOKA, being duly warned that willful false statements and the like are punishable by fine or imprisonment or both (18 U.S.C. § 1001), and may jeopardize the validity of the patent application or any patent issuing thereon, state and declare as follows:

1. All statements herein made of my own knowledge are true, and statements made on information or belief are believed to be true and correct.

2. I am a named inventor on the above-referenced patent application and have control over the conditions of the deposit described herein.

Okuno *et al.*

Application No.: 09/560,780

Page 2

3. I certify that:

(a) Seed of rice variety Owarihatamochi were deposited on January 29, 2004 with the International Patent Organism Depository, National Institute of Advanced Industrial Science and Technology located at AIST Tsukuba Central 6, 1-1, Higashi 1-Chome Tsukuba-shi, Ibaraki-ken 305-8566 Japan. Owarihatamochi was assigned accession designation FERM BP-08604. The deposit was made pursuant to the provisions of the Budapest Treaty. The deposited material is the same as that identified in the specification.

(b) All restrictions, except those required by law or regulation for safety, health, or similar reasons, on the availability to the public of the seed identified in Paragraph (a) will be irrevocably removed upon the granting of a patent for the above-identified application.

Date: March. 23, 2005By: 

SHUICHI FUKUOKA

書式10(第9条関係)

「特許手続上の微生物の寄託の国際的条約
に関するブタペスト条約」

BUTAPEST TREATY OF THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE
VIABILITY STATEMENT

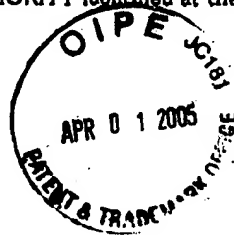
下記国際寄託当局によって規則10.2に
発行される。

Issued pursuant to Rule 10.2 by the INTERNATIONAL
DEPOSITARY AUTHORITY identified at the bottom page.

生存に関する証明書

氏名(名称) 独立行政法人農業生物資源研究所
理事長 岩淵雅樹 殿

申請者 あて名 〒 305-8602
茨城県つくば市観音台2-1-2



| | | | |
|--|--|--|--|
| 寄託者 | | 2. 微生物の表示 | |
| 氏名(名称) 独立行政法人農業生物資源研究所 理事長 岩淵雅樹 あて名 〒 305-8602 茨城県つくば市観音台2-1-2 | | 受託番号: FERM BP- 08604 受託の日: 平成 16 年 1 月 29 日 | |
| 3. 生存試験の結果 | | | |
| 2欄の微生物の生存について平成 16 年 2 月 6 日に試験を実施した結果、当該微生物は、 <input checked="" type="checkbox"/> 生存していた。 <input type="checkbox"/> 生存していなかった。 | | | |
| 4. 生存試験に際して使用した条件(結果が否定的である場合のみ) | | | |
| <input type="checkbox"/> 微生物条件記録書 1通 | | | |
| 5. 国際寄託当局 | | | |
| 名称 独立行政法人産業技術総合研究所 特許生物寄託センター International Patent Organism Depositary National Institute of Advanced Industrial Science and Technology センター長 岡 修一 Dr. Syuichi Oka, Director あて名 日本国茨城県つくば市東1丁目1番地1 中央第6(郵便番号305-8566) AIST Tsukuba Central 6, 1-1, Higashi 1-Chome Tsukuba-shi, Ibaraki-ken 305-8566 Japan | | | |

平成 16 年 (04) 3 月 3 日

「特許手続上の微生物の寄託の国際的承認
に関するブタペスト条約」

下記国際寄託当局によって規則7.1に従い
発行される。

BUDAPEST TREATY OF THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

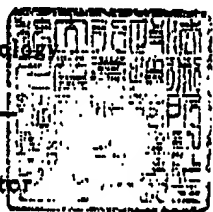
RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the INTERNATIONAL
DEPOSIT AUTHORITY identified at the bottom of this page.

原寄託についての受託証

氏名 (名称)

独立行政法人農業生物資源研究所
理事長 岩淵雅樹 殿

あて名 〒 305-8602
茨城県つくば市観音台2-1-2

| | |
|---|--------------------------|
| 1. 微生物の表示 | |
| 寄託者が付した識別のための表示 オワリハタモチ(JP4692) | (受託番号) FERM BP- 08604 |
| 2. 科学的性質及び分類学上の位置 | |
| 1種の微生物には、次の事項を記載した文章が添付されていた。 <input checked="" type="checkbox"/> 科学的性質 <input checked="" type="checkbox"/> 分類学上の位置 | |
| 3. 受領及び受託 | |
| 本国際寄託当局は、2004年1月29日(原寄託日)に受領した1種の微生物を受託する。 | |
| 4. 移管請求の受領 | |
| 本国際寄託当局は、年月日(原寄託日)に受領した1種の微生物を受託した。 そして、年月日に原寄託によりブタペスト条約に基づく寄託への移管請求を受領した。 | |
| 5. 国際寄託当局 | |
| 名称 独立行政法人産業技術総合研究所 特許生物寄託センター International Patent Organism Depositary National Institute of Advanced Industrial Science and Technology センター長 岡 修 Dr. Syuichi Oka, Director  | |
| あて名 日本国茨城県つくば市東1丁目1番地1 中央第6(郵便番号305-8566) AIST Tsukuba Central 6, 1-1, Higashi 1-Chome Tsukuba-shi, Ibaraki-ken 305-8566 Japan | |

平成 16 年 (04) 1 月 29 日

Form 8 (Sec. 7(1))

(Translation)

**BUDAPEST TREATY OF THE INTERNATIONAL RECOGNITION
OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES
OF PATENT PROCEDURES****RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT**

issued pursuant to Rule 7.1 by
the INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page.

To: (Depositor)

Name: Masaki Iwabuchi, President,

National Institute of Agrobiological Sciences

Address: 1-2, Kan'on-dai 2-Chome, Tsukuba-shi, Ibaraki-ken, 305-8602

| | |
|---|----------------------------------|
| 1. Identification of Microorganism | |
| (Identification reference by depositor) Owarihatamochi (JP4692) | (Accession No.) FERM BP-08604 |
| 2. Scientific Description and taxonomic description: | |
| The deposit identified in item 1 was accompanied by the following: (x) a scientific description (x) a taxonomic description. | |
| 3. Receipt and Acceptance: | |
| The deposit identified in item 1, received on <u>the 29th of January, 2004</u> (date of the original deposit), by this International Depositary Authority, has been accepted. | |
| 4. Receipt of Request for Conversion | |
| The deposit identified in item 1, received on <u>the of </u> , (date of the original deposit), by this International Depositary Authority, has been accepted. | |
| Further, said deposit received on <u>the of </u> , by this International Depositary Authority, has been accepted for the conversion from an original deposit to a deposit defined under the Budapest Treaty. | |
| 5. International Depositary Authority | |
| Name: International Patent Organism Depositary National Institute of Advanced Industrial Science and Technology | |
| Dr. Syuichi Oka, Director, (Seal) | |
| Address: AIST Tsukuba Central 6, 1-1, Higashi 1-Chome Tsukuba-shi, Ibaraki-ken, 305-8566 Japan | |
| Date: the 29th of January, 2004 | |

Form 10 (Sec. 9)

(Translation)

**BUDAPEST TREATY OF THE INTERNATIONAL RECOGNITION
OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES
OF PATENT PROCEDURES****VIABILITY STATEMENT**

issued pursuant to Rule 10.2 by
the INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page.

To: (Depositor)

Name: Masaki Iwabuchi, President,

National Institute of Agrobiological Sciences

Address: 1-2, Kan'non-dai 2-Chome, Tsukuba-shi, Ibaraki-ken, 305-8602

| | |
|--|--|
| 1. Depositor Name: Masaki Iwabuchi, President, National Institute of Agrobiological Sciences Address: 1-2, Kan'non-dai 2-Chome, Tsukuba-shi, Ibaraki-ken, 305-8602 | 2. Identification of Microorganism Accession No: FERM BP-08604 Date received: the 29th of January, 2004 |
| 3. Results of the Viability Test The viability of the deposit identified in item 2 was tested on the 6th of February, 2004. On that date, the deposit was (x) viable. () not viable. | |
| 4. Conditions used in the Viability Test (only applicable if the result was negative) () Record for the conditions for the deposit | |
| 5. International Depositary Authority Name: International Patent Organism Depositary National Institute of Advanced Industrial Science and Technology Dr. Syuichi Oka, Director, (Seal) Address: AIST Tsukuba Central 6, 1-1, Higashi 1-Chome Tsukuba-shi, Ibaraki-ken, 305-8566 Japan Date: the 3rd of March, 2004 | |